

TO: **Mail Stop 8**  
**Director of the U.S. Patent & Trademark Office**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**REPORT ON THE  
 FILING OR DETERMINATION OF AN  
 ACTION REGARDING A PATENT OR  
 TRADEMARK**

In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been

filed in the U.S. District Court Northern District of California on the following ☐ Patents or ☐ Trademarks: ☒ Patents or ☐ Trademarks:

DOCKET NO. <b>CV 08-05129 RS</b>	DATE FILED <b>11/12/2008</b>	U.S. DISTRICT COURT <b>280 South First Street, Rm 2112, San Jose, CA 95113</b>
PLAINTIFF <b>VOLTERRA SEMICONDUCTOR</b>		DEFENDANT <b>PRIMARION INC</b>
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 <b>6,278,264</b>		SEE ATTACHED COMPLAINT
2 <b>6,462,502</b>		
3 <b>6,713,823</b>		
4 <b>6,020,729</b>		
5 <b>6,225,795</b>		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
2			
3			
4			
5			

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK  Richard W. Wicking	(BY) DEPUTY CLERK  Betty Walton	DATE  November 13, 2008
---------------------------------	---------------------------------------	-------------------------------

1 **DEMAND FOR JURY TRIAL**

2 Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff Volterra Semiconductor  
3 Corporation hereby demands a trial by jury on all issues so triable.  
4

5 DATED: November 12, 2008

FARELLA BRAUN & MARTEL LLP

6  
7 By: 

Jeffrey M. Fisher

8 Attorneys for Plaintiff  
9 VOLTERRA SEMICONDUCTOR  
10 CORPORATION  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

COPY

1 John L. Cooper (State Bar No. 050324)  
jcooper@fbm.com  
2 James W. Morando (State Bar No. 087896)  
jmorando@fbm.com  
3 Jeffrey M. Fisher (State Bar No. 155284)  
jfisher@fbm.com  
4 Brian J. Keating (State Bar No. 167951)  
bkeating@fbm.com  
5 Racheal Turner (State Bar No. 226441)  
rturner@fbm.com  
6 Farella Braun & Martel LLP  
235 Montgomery Street, 17th Floor  
7 San Francisco, CA 94104  
Telephone: (415) 954-4400  
8 Facsimile: (415) 954-4480

9 Attorneys for Plaintiff  
10 VOLTERRA SEMICONDUCTOR CORPORATION

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

13  
14 VOLTERRA SEMICONDUCTOR  
CORPORATION, a Delaware corporation,

15 Plaintiff,

16 vs.

17 PRIMARION, INC. a Delaware  
18 corporation, INFINEON  
TECHNOLOGIES AG, a German  
19 corporation, and INFINEON  
TECHNOLOGIES NORTH AMERICA  
20 CORPORATION, a Delaware corporation,

21 Defendants.

22  
23 Plaintiff Volterra Semiconductor Corporation ("Volterra") hereby alleges as follows:

24 PARTIES

25 1. Plaintiff Volterra is a Delaware corporation with its principal place of business in  
26 Fremont, California, and is registered to do and is doing business in the State of California.  
27 Volterra designs, develops, and markets proprietary, high-performance analog and mixed-signal  
28 power management semiconductors for the computing, storage, networking, and consumer

VOLTERRA SEMICONDUCTOR CORPORATION'S  
COMPLAINT FOR PATENT INFRINGEMENT

ORIGINAL  
FILED  
NOV 12 2008  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA

RS

CV 08 5129

Case No. \_\_\_\_\_

PLAINTIFF VOLTERRA  
SEMICONDUCTOR CORPORATION'S  
COMPLAINT FOR PATENT  
INFRINGEMENT

DEMAND FOR JURY TRIAL

1 markets. Volterra's core products are integrated voltage regulator semiconductors and scalable  
2 voltage regulator semiconductor chipsets that are used to transform, regulate, deliver, and monitor  
3 the power consumed by digital semiconductors, such as microprocessors, graphics processors,  
4 digital signal processors, and memory. Volterra's power management solutions are incorporated  
5 into products from leading system designers.

6 2. Volterra is informed and believes, and on that basis alleges, that Defendant  
7 Primarion, Inc. ("Primarion") is a Delaware corporation with its principal place of business in  
8 Torrance, California, and is registered to do and is doing business in the State of California.

9 3. Volterra is informed and believes, and on that basis alleges, that Defendant  
10 Infineon Technologies AG ("Infineon") is a German corporation headquartered in Neubiberg,  
11 Germany. According to Infineon's June 30, 2008 Quarterly Report, Infineon acquired Primarion  
12 on April 28, 2008 for cash consideration of \$50 million "plus a contingent performance-based  
13 payment of up to \$30 million, in order to further strengthen [Infineon's] activities in the field of  
14 power management applications."

15 4. Volterra is informed and believes, and on that basis alleges, that Defendant  
16 Infineon operates in the United States by, among other things, offering its products for sale  
17 through its subsidiary Infineon Technologies North America Corporation ("Infineon N.A.").  
18 Volterra is informed and believes, and on that basis alleges, that Defendant Infineon N.A. is a  
19 Delaware corporation with its principal place of business in Milpitas, California, and is registered  
20 to do and is doing business in the State of California.

#### 21 JURISDICTION AND VENUE

22 5. This is an action for patent infringement arising under the patent laws of the  
23 United States, codified at 35 U.S.C. § 1 *et seq.* This Court has subject matter jurisdiction over  
24 this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

25 6. Defendants are subject to personal jurisdiction in this judicial district because, on  
26 information and belief, Primarion's principal place of business is in California, Infineon N.A.'s  
27 principal place of business is in the Northern District of California, and the Defendants'  
28 infringing activities have occurred and continue to occur in this district. Volterra is further

1 informed and believes, and on that basis alleges, that the accused products have been advertised,  
2 marketed, promoted, and offered for sale by the Defendants in this district. Indeed, Volterra is  
3 informed and believes, and on that basis alleges, that a Primarion representative publicly  
4 discussed, promoted, and offered to sell the accused products at a September 2008 industry  
5 conference in Burlingame, California. Volterra is further informed and believes, and on that basis  
6 alleges, that Defendants have provided evaluation kits containing the accused products to  
7 potential customers in this district in an effort to solicit sales of such products.

8 7. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) and (c) and  
9 28 U.S.C. § 1400(b).

#### 10 INTRADISTRICT ASSIGNMENT

11 8. This is an intellectual property action and is therefore exempt from intradistrict  
12 assignment under Civil Local Rule 3-2(c). Pursuant to Civil Local Rule 3-2(c), intellectual  
13 property actions are assigned on a district-wide basis.

#### 14 FIRST CLAIM FOR RELIEF

##### 15 [Infringement of U.S. Patent No. 6,278,264]

16 9. Volterra adopts and incorporates by reference the allegations of paragraphs 1  
17 through 8 above as if fully set forth herein.

18 10. On August 21, 2001, the United States Patent and Trademark Office duly and  
19 legally issued United States Patent No. 6,278,264, entitled "Flip-Chip Switching Regulator" (the  
20 "'264 Patent'"), to inventors Andrew J. Burstein and Charles Nickel. A true and correct copy of  
21 the '264 Patent is attached hereto as Exhibit A.

22 11. Volterra is the owner by assignment of all rights, title and interest in the '264  
23 Patent.

24 12. Volterra is informed and believes and on that basis alleges that, in violation of 35  
25 U.S.C. § 271, Defendants have infringed and are infringing, directly, indirectly, contributorily  
26 and/or by inducement, the '264 Patent by making, using, offering to sell, and/or selling integrated  
27 power stages for voltage regulator applications and related products within the United States  
28 and/or by importing such products into the United States.

1           13.     On information and belief, Defendants' infringement of the '264 Patent has been  
2 and continues to be willful and deliberate and with full knowledge of said patent.

3           14.     On information and belief, Defendants will continue to infringe the '264 Patent,  
4 and Volterra will be substantially and irreparably harmed as a result thereof, unless Defendants'  
5 infringement is enjoined by this Court.

6           15.     Volterra has suffered damages as a result of Defendants' infringement, and will  
7 continue to do so unless Defendants' infringement is enjoined by this Court.

8                               **SECOND CLAIM FOR RELIEF**

9                               **[Infringement of U.S. Patent No. 6,462,522]**

10          16.     Volterra adopts and incorporates by reference the allegations of paragraphs 1  
11 through 8 above as if fully set forth herein.

12          17.     On October 8, 2002, the United States Patent and Trademark Office duly and  
13 legally issued United States Patent No. 6,462,522, entitled "Transistor Pattern For Voltage  
14 Regulator" (the "'522 Patent"), to inventors Andrew J. Burstein and Charles Nickel. A true and  
15 correct copy of the '522 Patent is attached hereto as Exhibit B.

16          18.     Volterra is the owner by assignment of all rights, title and interest in the '522  
17 Patent.

18          19.     Volterra is informed and believes and on that basis alleges that, in violation of 35  
19 U.S.C. § 271, Defendants have infringed and are infringing, directly, indirectly, contributorily  
20 and/or by inducement, the '522 Patent by making, using, offering to sell, and/or selling integrated  
21 power stages for voltage regulator applications and related products within the United States  
22 and/or by importing such products into the United States.

23          20.     On information and belief, Defendants' infringement of the '522 Patent has been  
24 and continues to be willful and deliberate and with full knowledge of said patent.

25          21.     On information and belief, Defendants will continue to infringe the '522 Patent,  
26 and Volterra will be substantially and irreparably harmed as a result thereof, unless Defendants'  
27 infringement is enjoined by this Court.

28

1 22. Volterra has suffered damages as a result of Defendants' infringement, and will  
2 continue to do so unless Defendants' infringement is enjoined by this Court.

3 **THIRD CLAIM FOR RELIEF**

4 **[Infringement of U.S. Patent No. 6,713,823]**

5 23. Volterra adopts and incorporates by reference the allegations of paragraphs 1  
6 through 8 above as if fully set forth herein.

7 24. On March 30, 2004, the United States Patent and Trademark Office duly and  
8 legally issued United States Patent No. 6,713,823, entitled "Conductive Routings In Integrated  
9 Circuits" (the "'823 Patent"), to inventor Charles Nickel. A true and correct copy of the '823  
10 Patent is attached hereto as Exhibit C.

11 25. Volterra is the owner by assignment of all rights, title and interest in the '823  
12 Patent.

13 26. Volterra is informed and believes and on that basis alleges that, in violation of 35  
14 U.S.C. § 271, Defendants have infringed and are infringing, directly, indirectly, contributorily  
15 and/or by inducement, the '823 Patent by making, using, offering to sell, and/or selling integrated  
16 power stages for voltage regulator applications and related products within the United States  
17 and/or by importing such products into the United States.

18 27. On information and belief, Defendants' infringement of the '823 Patent has been  
19 and continues to be willful and deliberate and with full knowledge of said patent.

20 28. On information and belief, Defendants will continue to infringe the '823 Patent,  
21 and Volterra will be substantially and irreparably harmed as a result thereof, unless Defendants'  
22 infringement is enjoined by this Court.

23 29. Volterra has suffered damages as a result of Defendants' infringement, and will  
24 continue to do so unless Defendants' infringement is enjoined by this Court.

25 **FOURTH CLAIM FOR RELIEF**

26 **[Infringement of U.S. Patent No. 6,020,729]**

27 30. Volterra adopts and incorporates by reference the allegations of paragraphs 1  
28 through 8 above as if fully set forth herein.





39. Volterra is the owner by assignment of all rights, title and interest in the '795 Patent.

40. Volterra is informed and believes and on that basis alleges that, in violation of 35 U.S.C. § 271, Defendants have infringed and are infringing, directly, indirectly, contributorily and/or by inducement, the '795 Patent by making, using, offering to sell, and/or selling semiconductor products for voltage regulator applications within the United States and/or by importing such products into the United States.

41. On information and belief, Defendants' infringement of the '795 Patent has been and continues to be willful and deliberate and with full knowledge of said patent.

42. On information and belief, Defendants will continue to infringe the '795 Patent, and Volterra will be substantially and irreparably harmed as a result thereof, unless Defendants' infringement is enjoined by this Court.

43. Volterra has suffered damages as a result of Defendants' infringement, and will continue to do so unless Defendants' infringement is enjoined by this Court.

#### **PRAYER FOR RELIEF**

WHEREFORE, Volterra prays as follows:

1. For a judgment declaring that Defendants have, directly, indirectly, contributorily and/or by inducement, willfully infringed the patents-in-suit;

2. For preliminary and permanent injunctions enjoining Defendants and their officers, directors, agents, servants, employees, attorneys, successors and assigns, and all other persons acting in concert or participation with them, from infringing, inducing others to infringe, or contributing to the infringement of the patents-in-suit;

3. For an award of damages pursuant to 35 U.S.C. § 284, including interest, adequate to compensate Volterra for Defendants' infringement of the patents-in-suit;


4. For an award of enhanced damages pursuant to 35 U.S.C. § 284, including interest, for Defendants' willful and deliberate acts of infringement;

5. For a judgment declaring this case exceptional under 35 U.S.C. § 285, and for an award of attorneys' fees, costs, and expenses; and

6. For such other and further relief as this Court deems just and proper.

Dated: November 12, 2008

FARELLA BRAUN & MARTEL LLP

By:   
Jeffrey M. Fisher

Attorneys for Plaintiff  
VOLTERRA SEMICONDUCTOR  
CORPORATION